

**IN THE UNITED STATES DISTRICT COURT FOR  
THE SOUTHERN DISTRICT OF WEST VIRGINIA**

**CHARLESTON DIVISION**

MARVIN GARRETT,

Movant,

v.

Case No. 2:16-cv-5728

Case No. 2:12-cr-00030

UNITED STATES OF AMERICA,

Respondent.

**MEMORANDUM OPINION AND ORDER**

This action was referred to the Honorable Dwane L. Tinsley, United States Magistrate Judge, for submission to this Court of proposed findings of fact and recommendation for disposition, pursuant to 28 U.S.C. § 636(b)(1)(B). The Magistrate Judge has submitted findings of fact and recommended that the Court deny Defendant's Amended Motion to Vacate, Set Aside, or Correct Sentence (ECF Nos. 191 and 204) and dismiss this civil action from the docket of the Court. Neither party has filed objections to the Magistrate Judge's findings and recommendations.

Accordingly, the Court accepts and incorporates herein the findings and recommendation of the Magistrate Judge and **DENIES** Defendant's Amended Motion to Vacate, Set Aside, or Correct Sentence (ECF Nos. 191 and 204) and **DISMISSES** this civil action from the docket of the Court, consistent with the findings and recommendations.

The Court **DIRECTS** the Clerk to forward copies of this written opinion and order to all counsel of record, and any unrepresented parties.

ENTER: October 18, 2019

  
ROBERT C. CHAMBERS  
UNITED STATES DISTRICT JUDGE